

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DIXON MILLS CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

RGD HOLDING COMPANY, LLC, ROBERT
MARTIN COMPANY, LLC, RMC
MEZZANINE COMPANY, LLC, RMC GTIS
DIXON, LLC, GOLDENTREE INSITE 72nd
ST LLC, RMPC DIXON, LLC PROSPECT
CAPITAL GROUP, LLC, GREG BERGER,
BRUCE PETERSON, TIMOTHY M. JONES,
BARRY RITHOLZ, MATTHEW MCGRATH,
MARK DURNO, ROBIN STEINER¹ DAVID
PARISIER, URS CORPORATION, THE
SCHONBRAUN MCCANN GROUP LLP,
RMR RESIDENTIAL REALTY, LLC, JOHN
DOE 1-20 and ABC CORP. 1-20,

Defendants.

CIVIL ACTION NO:

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY:

Defendant, GOLDENTREE INSITE 72nd STREET LLC (“Goldentree”), by and through
its undersigned counsel, pursuant to 28 U.S.C. §§ 1331 and 1441, hereby gives notice of removal
of this action from the Superior Court of New Jersey, Law Division, Hudson County, to the United
State District Court for the District of New Jersey. As addressed below, this is an action of which
this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to
this Court by a defendant pursuant to 28 U.S.C. § 1441 in that it arises in part under a federal

statute or statutes, including 18 U.S.C. § 1341, 18 U.S.C. §§ 1961 (1), (2), (3), (4) and (5), 18 U.S.C. §§ 1962 (c) and (d), and otherwise as set forth in the First Amendment to the First Amended Complaint attached to this Notice of Removal.

1. Plaintiff, Dixon Mills Condominium Association, Inc., originally commenced this action in the Superior Court of New Jersey, Law Division, Hudson County, in 2016. At that time, neither of the Removing Defendants was a party to the action.

2. By First Amendment to First Amended Complaint filed March 22, 2018, the Plaintiff first named Goldentree as a party to this action, and first asserted claims against Goldentree and others under Federal Statutes via the Eleventh Count. A copy of the First Amendment to First Amended Complaint is attached hereto as Exhibit A.

3. This is a civil action of which the United State District Court for the District of New Jersey has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to 28 U.S.C. § 1441 in that it arises in part under a federal statute or statutes as pleaded in the Eleventh Count of the attached Complaint, including 18 U.S.C. § 1341, 18 U.S.C. §§ 1961 (1), (2), (3), (4) and (5), 18 U.S.C. §§ 1962 (c) and (d), and otherwise.

4. Goldentree was served with summons and received a copy of the First Amendment to First Amended Complaint on or after June 26, 2018. This Notice of Removal is timely.

5. A copy of all process, pleadings and other documents served upon Goldentree in the state court action is attached as Exhibit B.

6. All other defendants who have been served in the state court action consent to this Notice of Removal, through their respective counsel, via personal and direct communication with counsel for Goldentree, as follows:

RGD HOLDING COMPANY, LLC; ROBERT MARTIN COMPANY, LLC; RMC MEZZANINE COMPANY, LLC; TIMOTHY M. JONES, by Peter. J. Smith, Esq., Connell Foley LLP, 56 Livingston Avenue, Roseland, NJ 07068, via telephone on July 3, 2018 and subsequent confirming electronic mail;

THE SCHONBRAUN MCCANN GROUP LLP d/b/a FTI CONSULTING, INC. and d/b/a CORNERSTONE ACCOUNTING GROUP, LLP, by Robert A. Berns, Esq., Kaufman Dolowich Voluck, Court Plaza South, 21 Main Street, Suite 251, Hackensack, NJ 07601, via electronic mail on July 12, 2018;

GREG BERGER; ROBIN STEINER; DAVID PARISIER, by Christian M. Scheuerman, Esq., Marks, O'Neill, O'Brien, Doherty & Kelly, P.C., Cherry Tree Corporate Center, Suite 501, 535 Route 38 East, Cherry Hill, NJ 08002, via electronic mail on July 10, 2018;

RMR RESIDENTIAL REALTY, LLC, by Glen D. Kimball, Esq, O'Connor Kimball LLP, 51 Haddonfield Road, Suite 330 Cherry Hill, New Jersey 08002-4805, via telephone on July 16, 2018 and subsequent confirming electronic mail;

URS CORPORATION d/b/a AECOM, by Loryn P. Riggiola, Esq, Zetlin & De Chiara LLP, 80 Bloomfield Avenue, Caldwell, New Jersey 07006, via electronic mail on July 17, 2018.

Their respective written consents are attached as Exhibit C through G.

7. We will promptly provide written notice of the filing of this Notice of Removal to counsel for the plaintiff and shall file a copy with the Clerk of the Superior Court of New Jersey, Law Division, Hudson County, where this action is currently pending.

8. By filing this Notice of Removal, Greentree does not waive and hereby preserves all available claims and defenses.

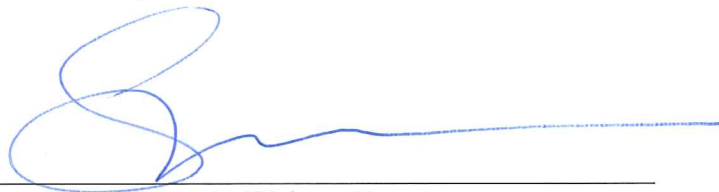
9. If any question arises regarding the removal of this action, Greentree respectfully requests the opportunity to present a memorandum and oral argument in support of removal and to conduct discovery related to the facts supporting removal.

WHEREFORE, Defendant, GOLDENTREE INSITE 72nd STREET LLC, prays that the action now pending against it in the Superior Court of New Jersey, Law Division, Hudson County, be removed therefrom to this Court.

I, the undersigned, hereby certify that each of the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

O'TOOLE SCRIVO FERNANDEZ WEINER VAN LIEU, LLC,
14 Village Park Road
Cedar Grove, NJ 07009
(973) 239-5700
Attorneys for Defendant, GOLDENTREE INSITE 72nd STREET LLC

BY:



Steven A. Weiner, Esq.

DATED: July 20, 2018